

Grant County Planning Commission

October 3rd 2005

The October 3 2005 special meeting of the Planning Commission was called to order by Chairman John Lawrence at 7:00 p.m.

Those in attendance: John Lawrence, Vernon Webster, Bill Marksberry, Marvin Faulkner, Marlon Kinsey, Dan Bates, Nick Kinman, Howard Brewer, Attorney: Tom Nienaber, Becky Ruholl

There was a quorum present.

ITEM 1: MAP AMENDMENT - Paul

APPLICANT: Donald Paul

GENERAL LOCATION: One the South side of Humes Ridge Road, 2.2 Miles East of U.S. Williamstown, KY

REQUEST: Agricultural - One (A-1) to Residential One (R-1)

Chairman John Lawrence declared the public hearing open.

Steve Howe, attorney representing the applicant, said that the request was to change the zoning from Agricultural One to Residential One. He said that this is going to be an extension of Harbour Pointe Subdivision. He said that the City of Williamstown has annexed this property and the request is in agreement with the Comprehensive Plan which states that the property should be developed as low density residential. He said that the plans are for 30 lots with 6 lake front lots and they have received permission from the City of Williamstown for boat docks to be constructed. He said that this will have the same subdivision restrictions as the existing portion of the subdivision. He said that this will be developed as an upscale subdivision.

Chairman John Lawrence asked if anyone wished to speak for or against the request.

Terry Maines stated that he adjoins the Harbour Pointe Subdivision and has nothing but problems from them. He said that he has an easement to his property and they will not give him that easement. He presented a packet for to the Commission members containing items supporting his argument concerning the easement.

David Simpson said that this request would put homes in his back yard and he was concerned about being annexed into the City because he did not want to be part of the City. He said that he didn't want people looking in his back door.

John Lawrence declared the public hearing closed.

Mr. Nienaber stated the Mr. Maines concerns are issues that should be taken with the City. He said that the Commission can only consider issues and items related to this particular request for this piece of property.

Mr. Maines said that they are pushing dirt across his property line. Mr. Nienaber said that it was up to the City to take on those issues. Mr. Maines said that all the runoff is now coming onto his property. Mr. Nienaber said that the code enforcement officer for the City would need to be contacted. Mr. Maines said that he has tried to contact them and they will not reply and that the City attorney was also the attorney for Romart Development. Mr. Nienaber said that Commission cannot do anything about his concerns and if he feels his rights are being violated he would need to seek a personal attorney.

Chairman, John Lawrence said that the Commission understands that Mr. Maines may have some valid concerns but the item that the Commission is considering is the property that they are requesting a zone change for tonight.

Dan Bates asked how many lots would require a variance. Tom Leach stated that no lots would require a variance to build a home.

Steve Howe stated that lot next to lot # 46 would not be for sale. He said that the developer was going to landscape and make an entrance for the subdivision. He also said that there are existing trees between the proposed new homes and Mr. Simpson's home.

Marvin Faulkner asked what would be done with the lot next to lot #46. Mr. Martin, developer, said that it would be used as entrance to the subdivision only.

Howard Brewer said that Mr. Maines had mentioned the easement and asked if the easement was for sewer and water or for ingress and egress. Mr. Maines said that it was for ingress and egress. He said that the surveyors made a mistake when they originally surveyed for the subdivision. He said that he wanted to build a new home and sell the existing one but they wouldn't let him do that.

Mr. Neinaber stated that those issues are not for the Commission to resolve he said that the Commission has no legal authority to address those issues of Mr. Maines.

John Lawrence read the staff recommendation which was approval of the proposed zone change request because the application does appear to be in compliance with the adopted Comprehensive Plan. The findings are: 1. the proposal does provide the area with public sanitary sewer. 2. the roadway, however narrow and badly aligned, does appear to be sufficient to handle any additional traffic that could be generated. 3. although still concerned for the overall coverage of the area, police and fire protection should not be adversely impacted by the development. John Lawrence stated that the Commission could place conditions that the entry lot not be built on and there be buffering to protect Mr. Simpson's property.

Mr. Neinaber said that the condition could state that the lot located at the northwest intersection of Humes Ridge and Harbour Pointe not be developed with a structure but be used only for cosmetic purposes he said that if the condition is passed by the City it could be marked on the plat that it could not be built on.

Steve Howe said that they could number the lot #76.

Mr. Maines said that he felt the request shouldn't be approved until all the issues are resolved. John Lawrence stated that the request is for the 39 acres and not the existing portion of the subdivision.

Mr. Simpson asked if his property would be annexed into the City. Mr. Howe said that only the 39 acres had been annexed into the City Limits.

Mr. Maines said that at the request for the first section of the subdivision the developer stated that they would not be working past regular work hours. He said that they had worked on the subdivision at 4 o'clock in the morning until late hours of the night and he asked who enforced that issue. John Lawrence stated that the Commission did not have any control over when they were working.

Vernon Webster made a motion to recommend to the City of Williamstown to approve the request from Agricultural One to Residential One based on the Facts heard at the public hearing that the location and request is in agreement with the Comprehensive Plan with the following condition 1: lot #76 remain non buildable and be used only for identification of the subdivision. Dan Bates seconded the motion. A roll call vote was taken: Vernon Webster: yes, Bill Marksberry: yes, Marvin Faulkner: yes, Marlon Kinsey: yes, Dan Bates: yes, Nick Kinman: yes, Howard Brewer: yes.

ITEM 2: ADJOURNMENT

Dan Bates made a motion to adjourn, Nick Kinman seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

JOHN LAWRENCE, CHAIRMAN - DATE

NICK KINMAN, SECRETARY - DATE

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